

EXHIBIT 46

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SAN MATEO

3
4 PEOPLE OF THE STATE OF CALIFORNIA)

5)

6 PLAINTIFF)

7)

8)

9 VS.)

DM
NO. C-22872

10)

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REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS
BEFORE: HON. ALLAN J. BOLLHOFFER, JUDGE
THURSDAY, APRIL 12, 1990
DEPARTMENT 7

APPEARANCES:

FOR PLAINTIFF:

JAMES P. FOX, D.A.
BY: MARTIN T. MURRAY, D.D.A.
401 MARSHALL STREET
HALL OF JUSTICE & RECORDS
REDWOOD CITY, CA 94063

FOR DEFENDANT:

ROCKHILL, SCHAIMAN & CARR
BY: GORDON ROCKHILL, ESQ.
JOHN HALLEY, ESQ.
399 BRADFORD STREET
REDWOOD CITY, CALIFORNIA

STENOGRAPHIC REPORTER:

THERESA O. MOSQUEDA, C.S.R.
NO. 2940

1 W I T N E S S E S
2 THURSDAY, APRIL 12, 1990

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5 P A G E

6 FOR THE PEOPLE:

7 CHANDLER, DEBORAH

8 DIRECT EXAMINATION BY MR. MURRAY
9 CROSS-EXAMINATION BY MR. ROCKHILL

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1 EXHIBITS

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2 THURSDAY, APRIL 12, 1990

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ID. EVD.

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FOR THE DEFENDANT:

8 *M - 7 PHOTOS

9 N - TAPE - 7-13-87 60

10 O - TAPE - 7-16-87 60

11 P - TAPE - 7-23-87 60

12 Q - TAPE - 10-10-88 60

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*(EXHIBITS EITHER PREMARKED AND/OR NOT IDENTIFIED ON THE
RECORD DURING TRIAL.)

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1 PROCEEDINGS

2 THURSDAY, APRIL 12, 1990

1:39 P.M.

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(THE FOLLOWING IS A TRANSCRIPT
OF THE TESTIMONY OF DEBORAH
CHANDLER.)

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THE COURT: DO YOU HAVE A WITNESS?

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MR. MURRAY: YES. DEBORAH CHANDLER.

10

11

THE COURT: MISS CHANDLER YOU WANT TO STEP
FORWARD.

12

DEBORAH CHANDLER

13

14

CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
AS FOLLOWS:

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THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY
GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE
THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO
HELP YOU GOD.

20

THE WITNESS: I DO.

21

22

THE CLERK: BE SEATED AND STATE AND SPELL YOUR
FULL NAME FOR THE RECORD, PLEASE.

23

24

THE WITNESS: DEBORAH CHANDLER. D- E- B- O- R-
A- H, C- H- A- N- D- L- E- R.

25

DIRECT EXAMINATION

26

MR. MURRAY: Q. GOOD AFTERNOON MISS CHANDLER.

1 DO YOU KNOW A MAN NAMED DRAX QUARTERMAIN?

2 A. I DO.

3 Q. HOW LONG HAVE YOU KNOWN HIM?

4 A. OH, JANUARY OF I THINK IT WAS '84.

5 Q. HOW DID YOU MEET HIM?

6 A. AT A FEDERAL HALFWAY HOUSE.

7 Q. I'D LIKE SHOW YOU A PHOTOGRAPH, EXHIBIT 3-A.

8 DO YOU RECOGNIZE THIS MAN?

9 A. YES.

10 Q. THAT'S DRAX QUARTERMAIN?

11 A. YES, IT IS.

12 Q. WHAT WERE YOU DOING AT A HALFWAY HOUSE?

13 A. FINISHING OUT A SENTENCE FOR FELONY CONVICTION OF

14 FORGERY.

15 Q. HAVE YOU ANY OTHER FELONY CONVICTIONS BESIDES

16 THAT ONE?

17 A. NO.

18 Q. HOW ABOUT ANY IN THE STATE COURTS?

19 A. YES. BUT THEY WERE ALL AT THE SAME TIME.

20 Q. HOW MANY SEPARATE FELONY CONVICTIONS HAVE YOU

21 SUFFERED?

22 A. I'M REALLY NOT SURE NUMBER WISE. THERE WERE FOUR

23 STATES INVOLVED. ALL FOR FELONIES.

24 Q. YOU WERE CONVICTED OF FORGERY IN?

25 A. CALIFORNIA, NEVADA, COLORADO AND OREGON.

26 Q. AS WELL AS FEDERAL COURT?

1 A. COLORADO WAS FEDERAL.

2 Q. AND YOU WENT TO PRISON IN FEDERAL PRISON?

3 A. NO, I DID NOT. THE ONLY FEDERAL TIME I SERVED

4 WAS ABOUT EIGHT TO TEN WEEKS IN THE HALFWAY HOUSE.

5 Q. HOW ABOUT STATE TIME?

6 A. STATE TIME I DID A TOTAL OF FOUR YEARS.

7 Q. FOUR YEARS?

8 A. YES.

9 Q. IN PRISON?

10 A. YES.

11 Q. NOW, YOU'VE TESTIFIED IN THIS CASE AT FIVE

12 SEPARATE PROCEEDINGS; IS THAT CORRECT?

13 A. CORRECT.

14 Q. TWO INVOLVING MR. ANTHONY?

15 A. YES.

16 Q. TWO INVOLVING DRAX QUARTERMAIN?

17 A. YES.

18 Q. ONE INVOLVING RON MC INTOSH?

19 A. YES.

20 Q. YOU TESTIFIED UNDER PENALTY OF PERJURY AT EACH OF

21 THOSE HEARINGS?

22 A. YES.

23 Q. DID YOU TELL THE TRUTH?

24 A. NOT WHOLLY.

25 Q. DID YOU LIE?

26 A. YES.

1 Q. WHEN DID YOU FIRST TELL ANYONE THAT YOU HAD LIED
2 AT THOSE PREVIOUS HEARINGS?

3 A. YESTERDAY.

4 Q. WHO DID YOU TELL?

5 A. YOURSELF.

6 Q. WHY DID YOU TELL ME THAT?

7 A. COULDN'T HOLD IT ANYMORE.

8 Q. BEFORE YOU TOLD ME WHAT HAPPENED, WERE ANY
9 PROMISES MADE TO YOU?

10 A. NO. I MEAN NOT YESTERDAY.

11 Q. HAVE PROMISES BEEN MADE TO YOU IN THE PAST ABOUT
12 THIS CASE?

13 A. YES, I WAS OFFERED IMMUNITY IN THE BEGINNING.

14 Q. AND WHAT WERE THE TERMS OF THE IMMUNITY
15 AGREEMENT?

16 A. THAT I TOLD THE TRUTH.

17 Q. PRIOR TO YOU TELLING ME THAT YOU HAD LIED, DID I
18 MAKE ANY PROMISES TO YOU ABOUT CONTINUING THE IMMUNITY
19 AGREEMENT?

20 A. YES.

21 Q. WHAT DID I TELL YOU?

22 A. THAT IT STILL STOOD.

23 Q. WHAT DID I WANT YOU TO DO?

24 A. JUST TELL THE TRUTH.

25 Q. DID I TELL YOU THAT I DIDN'T BELIEVE YOU?

26 A. YES.

1 Q. OH.

2 YOU TOLD MR. MURRAY OR YOU HAVE TESTIFIED
3 PREVIOUSLY, HAVE YOU NOT, THAT DRAX QUARTERMAIN TOLD YOU
4 THAT TWO RICH GUYS HIRED HIM TO KILL THIS PERSON; ISN'T
5 THAT RIGHT?

6 A. THAT'S A FACT.

7 Q. AND YOU KNOW DAVID YOUNGE, DON'T YOU?

8 A. I HAD ONLY -- I'VE ONLY HEARD OF DAVID YOUNGE'S
9 NAME. I NEVER MET THE GENTLEMAN UNTIL DRAX QUARTERMAIN'S
10 TRIAL.

11 Q. ALL RIGHT.

12 BUT YOU HAD HEARD OF HIM, HAVEN'T YOU?

13 A. YES, I HAD.

14 Q. AND YOU KNOW THAT HE IS A WEALTHY MAN, DON'T YOU?

15 A. YES, I DO. DRAX HAD SAID AS MUCH THAT HE WAS AN
16 ASSOCIATE OF HIS AND HE WAS WELL-TO-DO.

17 Q. NOW, WHEN YOU START TELLING MR. MURRAY THESE
18 THINGS THAT YOU'VE TOLD US THIS AFTERNOON, MR. MURRAY
19 REMINDED YOU THAT YOUR IMMUNITY WAS IN JEOPARDY; ISN'T THAT
20 SO?

21 A. I DON'T BELIEVE HE DID.

22 Q. I BEG YOUR PARDON?

23 A. NO, HE DID NOT.

24 Q. DIDN'T DISCUSS IMMUNITY WITH YOU AT ALL?

25 A. WE DISCUSSED IT, BUT NOT THAT IT WAS IN JEOPARDY.

26 Q. OH.

1 RECEIVED IN EVIDENCE.)

2 MR. ROCKHILL: Q. WHILE WE ARE WAITING FOR THAT,
3 LET ME ASK YOU TWO ADDITIONAL QUESTIONS.

4 YOU WERE AWARE, WERE YOU NOT, THAT WHEN THE
5 POLICE WERE QUESTIONING YOU, DOWN IN ARIZONA, THAT THERE
6 WERE CERTAIN THINGS THEY WANTED TO HEAR?

7 A. EXCUSE ME?

8 Q. I SAID YOU WERE AWARE THAT THERE WERE CERTAIN
9 THINGS THAT THE POLICE WANTED TO HEAR; ISN'T THAT SO?

10 A. I'M SURE THERE WAS, YES.

11 Q. WELL, YOU WERE AWARE OF THAT AT THE TIME YOU WERE
12 TALKING TO THEM; ISN'T THAT SO?

13 A. I KNEW THEY WANTED TO HEAR WHAT HAPPENED.

14 Q. AND IN FACT, WHEN THE TOPIC OF WHAT KIND OF CAR
15 IT WAS THAT YOU RENTED CAME UP, YOU UNDERSTOOD THAT WHAT
16 THEY WANTED TO HEAR ABOUT WAS A PASSENGER CAR, NOT A
17 STATION WAGON; ISN'T THAT SO?

18 A. NO, SIR, I DIDN'T KNOW THAT'S WHAT THEY WANTED TO
19 HEAR. I DON'T RECALL WHAT KIND OF CAR IT WAS.

20 Q. AND YOU WERE AWARE THAT -- STRIKE THAT.

21 YOU WERE AWARE THAT THEY HAD TAKEN A STATEMENT
22 FROM MR. QUARTERMAIN BEFORE THEY INTERVIEWED YOU; ISN'T
23 THAT SO?

24 A. THEY DIDN'T SAY AS MUCH, BUT I'M CERTAIN THAT
25 THEY WOULD HAVE.

26 Q. AND THEY TOLD YOU PORTIONS OF THAT STATEMENT THAT

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN MATEO)
3
4

ss.

5
6 I, THERESA O. MOSQUEDA, OFFICIAL REPORTER OF THE
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
8 COUNTY OF SAN MATEO, DO HEREBY CERTIFY:

9
10 THAT THE FOREGOING CONTAINS A TRUE, PARTIAL AND
11 CORRECT TRANSCRIPT OF THE PROCEEDINGS GIVEN AND HAD IN THE
12 WITHIN-ENTITLED MATTER THAT WAS REPORTED BY ME AT THE TIME
13 AND PLACE MENTIONED AND THEREAFTER TRANSCRIBED BY ME.

14 DATED: April 16, 1990
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16 REDWOOD CITY, CALIFORNIA
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21 Theresa O. Mosqueda, C.S.R.
22 NO. 2940
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